

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Robert W. Gettleman	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	04 CR 0915 - 17 07 C 7039	DATE	1/14/2008
CASE TITLE	United States of America vs. Jennie Valencia		

DOCKET ENTRY TEXT

The court denies petitioner's § 3582 motion and denies her request to convert that motion to a motion filed under 18 U.S.C. § 2255. The case (07 C 7039) opened by the clerk based on that motion (Docket Entry 402) is hereby terminated. The court finds that there is no reason to grant a certificate of appealability pursuant to 28 U.S.C. § 2253(c) because petitioner has failed to make a substantial showing of the denial of a constitutional right.

[For further details see text below.]

Docketing to mail notices.

STATEMENT

Petitioner Jennie Valencia has filed a pro se motion pursuant to 18 U.S.C. § 3582 to reduce her sentence. As the government pointed out in its response to the motion, petitioner has failed to identify any of the circumstances permitted by § 3582 that would allow a reduction in her sentence.

Perhaps realizing this, in lieu of a reply to the government's response petitioner filed a "Motion § 3582 to be Construe [sic] § 2255 Motion to Set Aside or Reduce Sentence." Again, petitioner has failed to identify any circumstances that would result in relief under § 2255. In short, petitioner received a sentence below the advisory Guidelines range, and this court finds no reason to disturb that sentence. Accordingly, the court denies petitioner's § 3582 motion and denies her request to convert that motion to a motion filed under 18 U.S.C. § 2255. The case (07 C 7039) opened by the clerk based on that motion (Docket Entry 402) is hereby terminated. Further, the court finds that there is no reason to grant a certificate of appealability pursuant to 28 U.S.C. § 2253(c) because petitioner has failed to make a substantial showing of the denial of a constitutional right.

Courtroom Deputy
Initials:

GS